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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,163	07/12/2005	Akira Kida	59395US006	8457
32692	7590	11/19/2007		
3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427			EXAMINER TYNAN, MATTHEW	
			ART UNIT 2871	PAPER NUMBER
			NOTIFICATION DATE 11/19/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

LegalUSDocketing@mmm.com
LegalDocketing@mmm.com

Office Action Summary

Application No.

10/542,163

Applicant(s)

KIDA, AKIRA

Examiner

Matthew Tynan

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/15/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/15/2007 has been entered.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 10/15/2007 was filed with the RCE on 10/15/2007. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-4 and 6-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (KR 10-2001-0053799) in view of Kobayashi et al. (U.S. 2002/0122249).

6. Regarding claim 1, Lee discloses at least two optical films (11, Drawing 4); a plurality of optical film fixing parts (21, Drawing 4); a film tension controlling member attached at one of the ends thereof to each of the film fixing parts in such a fashion as to be capable of pulling each of said optical films under tension; a film fixing frame (8) for fixing said optical films; the films, film tension controlling member, and the film fixing frame are integrated with one another; and the at least two optical films are stacked with a gap between them (see Drawing 3).

7. Lee does not disclose that there are at least 4 optical film fixing parts with film tension controlling members comprising a wire and capable of pulling each of the optical films under tension independently while maintaining the flatness of the films. However, Kobayashi et al. teaches (e.g. Figs. 5-11) four or more optical film tension control members comprising a wire connected to independently tense the optical films ([0064]). These tension members allow the optical films to be held without distortion or bending ([0065]). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the optical film tension control members taught by Kobayashi et al. for those disclosed by Lee, since the substitution of such tension control members would have yielded the predictable result of keeping the optical films under tension.

8. Therefore, claim 1 is unpatentable.

9. Regarding claim 2, Lee discloses a prism sheet (5) and a diffusion sheet (6) for use in improving the light distribution from the backlight.

10. Therefore, claim 2 is unpatentable.

11. Regarding claim 3, Kobayashi et al. discloses the film tension controlling member is formed of an elastic material.

12. Therefore, claim 3 is unpatentable.
13. Regarding claim 4, Kobayashi et al. discloses the elastic material is a spring.
14. Therefore, claim 4 is unpatentable.
15. Regarding claim 6, Lee discloses the optical film structure for use between an LCD unit and an illumination unit.
16. Therefore, claim 6 is unpatentable.
17. Regarding claim 7, Lee discloses an illumination unit including at least one light source and a light transmission surface for guiding the rays from the light source and the optical film structure of claim 1. Therefore, claim 7 is unpatentable.
18. Regarding claim 8, Lee discloses the apparatus of claim 7 for use as a backlight unit for an LCD device.
19. Therefore, claim 8 is unpatentable.
20. Regarding claim 9, Lee discloses an illumination unit at least including one light source and a light transmission surface; an optical film structure as defined in claim 1 arranged on the light transmission surface; and an LCD unit arranged on the optical film structure.
21. Therefore, claim 9 is unpatentable.
22. Regarding claim 10, Lee discloses the illumination unit is a backlight unit.
23. Therefore, claim 10 is unpatentable.
24. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee (KR 10-2001-0053800) in view of Kobayashi et al. (U.S. 2002/0122249).
25. Regarding claim 1, Lee discloses at least two optical films (11, Drawing 4); a plurality of optical film fixing parts (35, Drawing 4); a film tension controlling member (32) attached at one

of the ends thereof to each of the film fixing parts in such a fashion as to be capable of pulling each of said optical films under tension; a film fixing frame (8) for fixing said optical films; the films, film tension controlling member, and the film fixing frame are integrated with one another; and the at least two optical films are stacked with a gap between them (see Drawing 3).

26. Lee does not disclose that there are at least 4 optical film fixing parts with film tension controlling members comprising a wire and capable of pulling each of the optical films under tension independently while maintaining the flatness of the films. However, Kobayashi et al. teaches (e.g. Figs. 5-11) four or more optical film tension control members comprising a wire connected to independently tense the optical films ([0064]). These tension members allow the optical films to be held without distortion or bending ([0065]). It would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the optical film tension control members taught by Kobayashi et al. for those disclosed by Lee, since the substitution of such tension control members would have yielded the predictable result of keeping the optical films under tension.

27. Therefore, claim 1 is unpatentable.

28. Regarding claim 2, Lee discloses a prism sheet (5) and a diffusion sheet (6) for use in improving the light distribution from the backlight.

29. Therefore, claim 2 is unpatentable.

30. Regarding claim 3, Kobayashi et al. discloses the film tension controlling member is formed of an elastic material.

31. Therefore, claim 3 is unpatentable.

32. Regarding claim 4, Kobayashi et al. discloses the elastic material is a spring.

33. Therefore, claim 4 is unpatentable.

34. Regarding claim 6, Lee discloses the optical film structure for use between an LCD unit and an illumination unit.

35. Therefore, claim 6 is unpatentable.

36. Regarding claim 7, Lee discloses an illumination unit including at least one light source and a light transmission surface for guiding the rays from the light source and the optical film structure of claim 1. Therefore, claim 7 is unpatentable.

37. Regarding claim 8, Lee discloses the apparatus of claim 7 for use as a backlight unit for an LCD device.

38. Therefore, claim 8 is unpatentable.

39. Regarding claim 9, Lee discloses an illumination unit at least including one light source and a light transmission surface; an optical film structure as defined in claim 1 arranged on the light transmission surface; and an LCD unit arranged on the optical film structure.

40. Therefore, claim 9 is unpatentable.

41. Regarding claim 10, Lee discloses the illumination unit is a backlight unit.

42. Therefore, claim 10 is unpatentable.

Conclusion

43. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Odille et al. (U.S. 6,504,661) teaches an optical film stack in which each film has space to expand independently.

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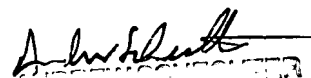
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Tynan whose telephone number is 571-270-1433. The examiner can normally be reached on Mon-Fri. 7:30-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.T


MATTHEW TYNAN
EXAMINER